

WHO THEY ARE

Governor Blease Gives Names of Those Holding Two Positions.

TILLMAN HEADS LIST

The Letter Sent to the Committee Names Those Whom the Governor Considers Are Openly Violating the Letter as Well as the Spirit of the Law.

Governor Blease, in a letter to the committee appointed to investigate the holding of two positions of "profit or trust," names those whom he considers are "openly violating the letter and spirit of our State Constitution." Heading the list, given to the committee in Governor Blease's letter is the Hon. Benjamin Ryan Tillman, senior Senator from South Carolina, who is also a trustee of Clemson.

The following is the letter of Governor Blease which he Friday addressed to Senator Mauldin: "Yours of the 2nd instant received.

"In reply will state that I am informed that the Hon. B. R. Tillman is a United States senator and trustee of Clemson and Winthrop colleges.

"That the Hon. Francis H. Weston is a State senator and trustee of the University of South Carolina.

"That the Hon. John G. Richards is a railroad commissioner and trustee of Clemson College.

"That the Hon. Alan Johnstone is a State senator, a trustee of Clemson College and president of the board of trustees of Clemson College.

"That the Hon. D. J. Braddam is a trustee of the colored college and a magistrate.

"That the Hon. D. W. McLaurin is land agent of the sinking fund and trustee of Winthrop College.

"At the time of the message you speak of in your letter, the Hon. Hartwell M. Ayer was a member of the house of representatives and a trustee of the State reformatory.

"The Hon. L. M. Gasque was a member of the house of representatives and a member of the board of fish commission for South Carolina.

"There may be others; I have not taken the pains to look the matter up. These have been called to my attention and believing that each of the positions held by them, respectively, came within the meaning of the State constitution, I sent in the message referred to.

"Article 2, section 2, of the constitution of 1895, reads:

"The Constitution.

"No person shall be eligible to a seat in the general assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, etc."

"If the trustee of a college that handles hundreds of thousands of dollars, and by his vote may expend the same, is not a position, I am at a loss to know the meaning of the word. If a railroad commissioner or a United States senator is not an office, I am badly misinformed.

"The constitution says 'or under any other power.' Can a man hold an office or position without it being under some power? Is a man's will, donating large amounts of money, to be held in trust for certain purposes, a power; and is not one of the trustees holding a position of trust?

"The supreme court of this State, in the case of Hopkins against Clemson College, holds that the board of trustees are State officers and holds that, for that reason, they can not be sued, and dismissed Hopkins' complaint. That question is now before the supreme court of the United States.

"If your committee hold that these men are not State officers, then I submit that the general assembly should pass an act, allowing these men to bring their suit. While I think there is no merit in their claim, yet if the supreme court is wrong these men should have a right to a trial by a jury.

"Article 2, section 2, of the constitution, provides:

"But no person shall hold two offices of honor or profit at the same time."

"It is needless for me to repeat that which I construed, that all of the gentlemen named are openly violating the letter and the spirit of our State's constitution. Others may differ with me. This is my construction of the law and I felt that it was my duty, under my oath, to see that the constitution and laws of my State are upheld, to call the matter to the attention of the general assembly.

"Personally, I have absolutely no interest in the matter. I hold the highest office within the gift of the people of my State. I am neither envious or jealous of any man and I thank God that I hold in my heart no malice. Many of those gentlemen are my personal and political friends and I would be pleased to see them hold as many positions as they can obtain if it is not in violation of the law.

"There may be others violating this same section of the constitution. If I knew of it, I would be pleased to give you the names, as your committee requests. If I learn of any others the information shall be furnished you.

"I have the honor to be,

"Very respectfully,

PITCHED BATTLE

ONE MAN KILLED AND ONE IS FATALLY WOUNDED.

Fight Brought on by the Dead Man Shooting Up a Town and Resisting Arrest.

In a pitched battle Saturday night, on a public highway, between a posse, headed by Lee Holland, lieutenant of the village of Mauldin, six miles below Greenville, and Robert McAbee and his son, Will, of Enoree, Spartanburg county, Robert McAbee was shot dead and Lee Holland probably fatally wounded.

According to the account of the killing, told by Sheriff J. Perry Poole, of Greenville county, McAbee and his son left Enoree Saturday morning to spend the night with Thomas Fowler, who lives near Mauldin. About a mile above the village the two met a white man in the road, one Thompson, and fired five times at him, none of the shots taking effect.

The incident passed and father and son drove into Mauldin. In passing through the village McAbee fired a pistol ball through both walls of a store conducted by Lee Holland and fled up the road with his son. Holland organized a posse and started out to arrest McAbee and his son.

It seems that in feeling McAbee and his son took the wrong road and attempted to retrace their steps. It was while they were going back that they were met by Holland and the posse. Immediately Robert McAbee drew his revolver and opened fire on the posse, one shot passing through Holland's right breast. No sooner had McAbee fired than members of the posse returned fire.

The older McAbee fell to the ground, his body pierced by one pistol ball and his head by three. He expired about an hour later, in the road. Despite the fact that he was shot through the breast, Holland placed the younger McAbee under arrest and conducted him back to Mauldin, where he held him until Sheriff Poole arrived, about 11 o'clock.

From all accounts McAbee was a bad character. It is stated that he left his home, near Enoree, with a half gallon of whiskey and a pistol in his buggy. He has a brother serving a sentence in the State penitentiary now for killing a man by the name of Fowler, near the scene of the killing, some years ago.

Holland is the first mayor of the town of Mauldin, which was incorporated only a few months ago. He is a substantial citizen, a planter and a merchant of prominence in his section, and is well known in Greenville. He is prominently connected and is a son of the first supervisor of Greenville county.

LIVED IN A TOMB.

Two Girls Stayed in Vault While Mother Seek Work.

Endeavoring to cook a potato over a small fire in a vault in a deserted cemetery in Paterson, N. J., Sophia and Margaret Green, 12 and 14 years respectively, daughters of Mrs. Mary Green, of Shenandoah, Pa., were found by the police this week. The two children were so weak from starvation that they scarcely could walk.

Mrs. Green declared her husband, Samuel Green, was killed two years ago while at work in a mine in Shenandoah. Since then she has been in destitute circumstances.

The children declared they had not had a thing to eat in two days, which only nourishment being water which they got from a nearby well. The only article of food in the vault was the potato which Sophia found in the street.

The mother, when searched at the hospital, was found to have two slices of bread, which she declared she had found and which, rather than eat herself, although in dire need of food, she intended keeping for her children.

Marrying Woman.

Mrs. Lizzie Miller has pleaded guilty to a charge of bigamy in court in Quincy, Ill., and immediately drew an indeterminate sentence in the state penitentiary. She was charged with having married four men within four weeks, two of them inmates of an old soldiers' home.

Returned Money.

Mrs. Thomas W. Stephan, of Trenton, N. J., is satisfied that confidence in penniless strangers is not always misplaced. A few days ago she received an order for money she gave Franz Truppe, of Milwaukee, Wis., three years ago.

"Cole L. Blease, Governor."

"P. S.—Since writing the above, I have been informed that W. W. Bradley is private secretary to Congressman Aiken and also trustee of Clemson College, and that Mr. Rawl, who holds a position under the United States, in the city of Washington, D. C., is also a trustee of Clemson College.

"The law says 'office or position' and I call these to your attention."

Francis H. Weston, senator from Richland county, stated that he was not a trustee of the University of South Carolina and had not been for a number of years. He was a trustee at one time, he said, but resigned some time ago.

GIVE HIS SIDE

Major Caldwell Issues Statement Concerning His Position

IN JUDGESHIP MATTER

He Says His Course Will Be Controlled by the Attitude of the Columbia Bar—Would Not Serve Unless Agreeable to the Members of It.

Major James F. J. Caldwell, of Newberry, who was appointed by Governor Blease to hold the approaching Common Pleas Court for Richland county, the appointment of Major Caldwell followed the recommendation of Ex-Attorney General Ray by the Supreme Court, calling for a spirited letter from Governor Blease to the Court, gave out the following statement on Friday in reference to the matter. In a calm and dispassionate statement, pouring oil on the storm-tossed waters between the executive and the judicial departments. Major Caldwell says:

Governor Blease called me by telephone about noon on Wednesday, the 1st instant, and, on my answering, inquired if I would consent to hold the term of the Court of Common Pleas for Richland county, to begin on Monday, the 6th instant. I replied that I was willing to hold that court, but added that I would not do so unless the appointment was acceptable to the local bar. To this he replied that it was all right—no objection to that effect; and after saving some words by way of kindly thought of me, he ceased to speak. His manner indicated to my mind that he wished only to ask if it would suit me to hold the court. I was left to conjecture, whether the bar of Richland desired me, or whether they desired some other person. I had no means of knowing whether the bar had taken any action, or whether the Justices of Supreme Court had made a recommendation to appoint some one to hold the Court, or whether if that Court had applied to him to make an appointment, it had recommended any particular person for the appointment.

I wrote Governor Blease, very soon, a letter, saying that I was willing to hold the Court, provided, either that the Bar of Richland desired me, or that they had made no other choice. I was surprised to see in the papers that I had been appointed to hold that term of Court. And I have been more surprised to read, in the papers that I have been commissioned to preside in that Court. Governor Blease is inaccurate in saying that I have been commissioned. The Secretary of State sent me, by mail received yesterday morning, the 2nd, a communication to the effect that I had been appointed, and that on my sending to him (the Secretary of State) the oath on the back of his communication, made according to law and in proper form, I should receive my commission.

I have not made the oath required, and I have not received a commission. A few minutes after hearing Governor Blease over the telephone, I wrote a letter to R. W. Shand, Esq., and a letter to P. H. Nelson, Esq., both of the Columbia bar, in each of which letters I stated the terms on which I would accept the appointment. I had an answer from Mr. Shand last night. I have not heard from Mr. Nelson.

I wrote Chief Justice Jones a personal letter yesterday. He is at liberty to give it such circulation as he may see fit. I did not know until yesterday that Mr. Ray had been selected by the Bar of Richland to preside over the Court, or that his appointment had been recommended by the Supreme Court.

Personally, it does not matter to me whether I hold that Court or not. I do not need pecuniary profit from that source, or from any other source—and as a matter of fact, with my way of living, I should not expect to gain a dollar beyond my expenditure. And I have written Chief Justice Jones, "I have passed beyond that period of life when a man need care for glory."

I do not deem it properly for me to discuss the legal aspect of the case. I think it still less proper for me to say one word about the personal—or partly personal—controversy between the Chief Executive and the Supreme Court.

The crux of the case—the point on which the matter hinges—is, to me, the wish of the Richland Bar. Without their co-operation I could do nothing. They might continue every case. Or, if I should undertake to try a case, I and all other persons must feel uncertain what I could decide. The protest, "coram non judge," might be raised at any moment from the beginning to the end of any trial in the Circuit Court, and in the Supreme Court. And I will never consent to hazard the right of litigants by my doubtful claim to office.

Court will be anxious to assist them in the disposal of the many and important interests committed to the management of counsel.

Governor Blease may have been precipitate to act, and not entirely courteous towards the Supreme Court, but it is not for me to cen-

sure my friend who sought to do me honor, and who, I am sure, thinks that he is exercising authority given him by the Constitution and the statute law of the State. Nor have I anything to say against the Justices of the Supreme Court. I have no doubt that they have done just what they thought they ought to have done.

I conclude, that the matter really rests with the Columbia Bar. I am sanguine that their wishes, expressed today or tomorrow, will determine the result, for I feel confident that both the Governor and the Supreme Superintendent of education; assistant's salary raised \$150; stationery, \$150; printing, \$500; rent, \$180.

Adjutant general's office: assistant's salary raised, \$150; stationery, \$100.

Chief game warden, no appropriation last year. It was expected to pay this out of gun tax.

State librarian, \$100 for stationery.

Public buildings: \$1,500 additional for water; payment on state house improvements of 1900, \$2,022 more than last year; payments on state house improvements of 1904, \$16,167 more than last year; an entirely new item of \$30,000 for asylum improvements contract for last year (less \$1,500 reduction on state house and grounds and \$3,001 paid last year on the 1907 state house roof loan); making a net increase on public buildings of \$45,677.15.

State department of agriculture: \$5,000 additional for farm demonstration work; \$200 additional for expenses of inspectors (less \$1,500 for corn breeding); making a net income of \$3,700.

Health department: Total \$12,605.27, as follows: Increase in fund for protection against contagious diseases, \$5,000; salary of clerk to State health officer raised \$120; deficit for 1910, \$6,085.27; State board medical examiners raised \$1,400.

Educational institutions paid elsewhere.

Tax department: \$500 additional for State board of equalization.

Hospital for Insane: Maintenance, increase \$25,000; improvements, reduced from \$50,000 to \$35,000; deficit, \$30,226 for 1910 against \$13,662 for 1909; insurance \$6,000; dentist, pathologist, dietician, etc., \$2,600, total net increase, \$39,800.

Industrial school at Florence: Maintenance, \$2,500; building with heating plant, \$15,000; cooking range, cows, sewerage, tailor shop, plumbing, etc., \$1,972.

Senate, for new carpet and screens, \$1,500.

House, for pay of one extra clerk, \$120; extra pay of the clerk in buying furniture, \$35; extra pay sergeant at arms purchasing furniture and disposing of furniture, \$129.50; extra pay, E. M. Rucker, buying furniture \$35.

BEATEN AND ROBBED.

Thieves Bind and Leave Their Victim Unconscious.

Between 8 and 9 o'clock Monday night, Mr. Roe, the night operator at Virgin, on the Southern railway, a few miles north of Macon, Ga., was knocked in the head by an unknown negro and white man and robbed of a gold watch valued at \$35 and a small amount of cash. After committing their crime they placed the white signals on the board at the station, so that no trains would stop there.

Operators on the line between Atlanta and Macon made repeated efforts to get the operator at Virgin over the wires. The crew of a freight train stopped there early Tuesday morning to investigate why the operator failed to respond to the calls and discovered him lying on the floor in an unconscious condition, profusely covered with blood.

There was a large hold in the side of his head and his face was terribly bruised. His nose was also broken. A physician was hurriedly summoned from Macon in an automobile and the wounded man was placed in the Macon hospital, where his wounds were dressed.

MADE THEM PAY WELL.

Men Who Fought in Spartanburg Fined Very Heavily.

Mayor Lee, of Spartanburg, in the police court Saturday fined the Flemings and the Lees, who engaged in a pistol battle in the streets the day before, \$950.

Roland Lee was charged with shooting in the city limits, disorderly conduct and carrying concealed weapons. In the first case he was fined \$400 or 120 days or \$100 a shot. Mayor Lee made a separate offense out of each time he shot. For disorderly conduct he was fined \$100 or 30 days and for carrying concealed weapons he was fined \$50 or 30 days.

Roland Fleming and Miles Fleming were also fined \$200. The negro who came near getting mixed up in the affair was discharged. He proved that he did not take an active part in the fight. The men gave bond and it is understood will appeal to the mayor through attorneys for a reduction in the fines.

Tried to Burn Victim.

Two white men and a negro broke into the bedroom of John Baton, at Orange, N. J., one night and killed Baton with a blackjack after he had put up a fight. Then they ransacked his pockets and escaped after binding and gagging their victim and setting a pile of papers alongside him on fire. A policeman rescued Baton.

AWFUL SCOURGE

Not a Single Person Who Takes the Disease Escapes Death.

THOUSANDS ARE DYING

A Deadly Disease is Sweeping China and the Nation Seems Powerless to Check It—Physicians Are Sacrificing Their Lives, But the Dreaded Epidemic Continues.

The most deadly scourge in the world's history is sweeping the Chinese empire and Manchuria. Thousands of lives have been lost and all the resources of science are proving unavailing in their fight against the ignorance and superstition of the natives and the unsanitary conditions in which they live. To date every case reported to the authorities has proven fatal, the majority within 24 hours of infection.

Foreign missionaries, chiefly the Americans, are leading in promoting effective means of combating the insidious malady. French and American physicians are bending every effort to save the lives of the Orientals but to date their efforts appear to have gone for naught and many experts declare that the death toll will reach millions unless warm weather sets in and kills the germs.

The eagerness of the Chinese government to stamp out the disease was shown this week when the Wai-wu-Pu authorized Dr. Wu, in charge of the native city of Harbin, to burn 2,000 coffins containing corpses of plague victims. Owing to the fact that the earth is frozen few of the dead have been buried.

Troops will be ordered to the scenes where bodies are to be burned for the ancestor worship of the Chinese makes the burning of dead bodies almost equal to a crime. It is predicted dead bodies will be burned in all the infected districts though it is feared this drastic move may cause rioting and bloodshed. In addition Prince Rupert has decreed that posthumous honors shall be accorded physicians who lose their lives while fighting the plague and \$90,000 has been appropriated for a prevention campaign.

China has been notified that the United States has accepted her invitation to send scientists to the Far East to study the malady. In Peking, where only a few deaths have occurred, the foreign legations have laid in stores for the next three months and American Minister W. J. Calhoun has offered missionaries refuge in the American quarters. This was declined because the workers did not wish to have their activities tampered.

American business men, tourists and missionaries are being looked after in all the cities where there are legation houses and where there are none they are urged to go to cities where there are. But to add to the difficulties of the situation all railroad traffic has been cut off in most parts of the vast empire and where trains are still in operation such as health are allowed to travel.

Dr. A. P. Peck, American medical attaché to the Chih Li provincial government, who is devoting himself to investigations in the infected districts of the great wall says:

"The plague is wholly of the pneumonic type, because the bacillus enters the lungs in breathing. The bacillus appears under the microscope to be the same as that of the bubonic type. It is propagated only by close contact. The bacillus does not go far through the air outside of the body. It dies quickly when breathed fresh from the lungs of an infected person. It finds an enormous culture bed in the mucous membrane of the lungs and multiplies rapidly. There being no lymphatic glands to protect the system and strain out the bacilli the disease is rapidly fatal in 100 per cent of cases.

"Rats and fleas are no factor in infection, which is wholly through the breath and sputum. While it would be possible for fleas to carry the bacillus and infect a person with the bubonic type of plague, practically this does not occur. Regarding the efficiency of Haffkine's serum I do not know and reserve judgment."

Pup Saves Two Lives.

Rex, an overgrown St. Bernard puppy owned by David Wilson, a farmer of Bogata, N. J., saved the lives of Wilson's two children when they fell into an icy pond. After placing them on the ground the dog ran to the farmhouse and fetched the father.

Would Do It Cheaper.

Owen J. Jones, a farmer living near Ebensburg, Pa., has thrown a bomb among the candidates for county commissioner in Cambria county. He states he will take the job for \$2,000 a year though the law specifies the salary shall be \$4,000. Jones says \$2,000 is all the job is worth.

He Was Fixed Up.

While seated in a barber's chair in Vassar, Mich., Mike Brophy, a farmer, commented that he wanted to be fixed up to die. That evening while at the supper table he was stricken with heart failure and died.

A TALE OF THE SEA

BOTTLE WITH NEWS ABOUT FOUNDERED SCHOONER.

First News of the Missing Vessel Since Her Mysterious Disappearance Over a Year Ago.

According to press dispatches a bottle picked up on the shore at Lewes, Del., Thursday, contained a message from the crew of the schooner Robert McQuillen, which sailed from Mystic, Conn., on December 19, 1909, for Charleston, but which was lost in a storm when only a few days out, and never heard of again.

Nothing was ever learned of how the schooner was wrecked, or if any of the crew were saved. The message sealed up in the bottle, which was found Thursday at Lewes by Surftman Timmons, of the Henlopen Life Saving Station, is the first light shed upon the fate of the schooner. Following is the brief story contained on the piece of paper found in the bottle.

"We are just leaving schooner McQuillen. She is about to go down. Capt. Williams and mate are washed overboard and no one left but crew. We are just leaving her in boat and hope to be picked up soon. Nothing in sight at present. Hope this will be found by some one, as we cannot live much longer in this weather."

The News and Courier says the schooner Robert McQuillen carried a cargo of 650 tons of fish scrap, consigned to Theo J. Simons, Jr., chemical broker, of this city. The cargo was shipped by H. J. Baker & Brother, of New York city, importers of fertilizer materials and also dealers in domestic fertilizers. On the morning of the 19th of December, 1909, the schooner sailed from Mystic, a port on the Connecticut coast, under the command of Capt. E. T. Williams, of Lewes, Del. Capt. Williams was sailing the vessel for Capt. Robert McQuillen, the commander of the schooner, who happened to be off on his Christmas vacation. Capt. McQuillen had often sailed his schooner to Charleston and was well known here, being regarded as one of the best skippers in the trade.

For weeks interested parties on both ends of the line waited for some word from the schooner. It was not until the 26th of February of last year—two months after the vessel had sailed from Mystic port, that she was reported probably lost in a storm which swept the Atlantic coast about Christmas time of 1909.

The note found in the bottle last Thursday was written on a piece of brown paper, presumably about the time the crew abandoned the schooner. It will never be known just what time the note was written, as it was not dated, or where it was written, as the latitude nor longitude were mentioned. It has always been the general opinion that the vessel encountered the storm a few days after putting out to sea. The captain and some members of the crew were from Lewes, Del., and friends there had been patiently waiting to hear some news from their loved ones. It is rather remarkable that the message should have found its way to the home port fourteen months after the vessel was lost.

RUSE SNARES BANDIT.

Outlaw Summoned as a Witness and Then Nabbed.

Dioncio Martinez, one of the most desperate bandits who ever operated on the Mexican frontier, was arrested in Nuevo Laredo, Tex., this week, by a ruse. He has been operating 25 years and this is the first time he has been jailed. In that time it is charged that he has committed nine murders in Texas, while there are many charges against him in Mexico.

He was recently located on a ranch near Nuevo Laredo, where he was unmolested by the Mexican authorities. Sheriff Wilson, of Wilson county, Texas, succeeded in having the Laredo authorities summon him as a witness in a fake case. When he entered the court room he was surrounded by police and captured without a fight.

Martinez was for years head of the famous Sonora banditti, to whom are attributed no less than 50 murders along the Rio Grande and many robberies and other deeds of outlawry.

Rich Men in Jail.

Five rich Southern lumbermen have entered the Federal prison at Atlanta, Ga., to serve sentences for peonage. The cases were the first to arise in the South and their prosecution was pushed vigorously by the Department of Justice. The convicted men are W. S. Harlan, Robert Gallagher, Dr. W. E. Grace, C. C. Hilton and E. S. Fuggins, all of Lockport, Ala.

Caught on Mowing Ice.

Two men and three women, who had been fishing on the St. Mary's river near Sault Ste. Marie, Mich., had a narrow escape from drowning when a 70 mile gale broke up the ice on the river. They leaped from cake to cake until they reached shore nearly exhausted.

Fell in Hot Lard.

The two-year-old son of Charles Kreighauser, living near Thomas, Okla., died 24 hours after having fallen into a kettle of boiling lard. The child was playing in the yard while the parents were busy butchering.

MET TRAGIC END

Robert M. Floyd is Shot Four Times by Mrs. N. M. Hayes in Her Home.

SAYS HE INSULTED HER

Floyd Was Well Known in Charleston, Where He Was Attending the Medical College, and Left There on Saturday to Visit Friends in North Carolina.

Shot four times and instantly killed by Mrs. N. M. Hayes in her home at Tabor, N. C., just across the Horry line, late Saturday evening, was the fate of Robt. M. Floyd, a native of Horry county, and a student at the South Carolina Medical college at Charleston. Three shots took effect in the body and one in the center of the forehead.

Only a few minutes before his death, Mr. Floyd had driven up to the Hayes home and had been invited in to spend the evening by the husband of the young woman. Floyd went in the house and while Mr. Hayes was unearthing the horse, he heard four pistol shots. He rushed in the house where he found his friend lying dead and his wife standing by. Her only answer to Mr. Hayes' questioning was that Floyd had insulted her and she had killed him.

Mr. Floyd arrived in Tabor Saturday from Charleston, having come home to spend Saturday and Sunday with his parents near Gallivant's ferry. Parties living in Conway were on the train with Mr. Floyd when he got off at Tabor. He stated to them that he stopped there to look after his farm during the day, that a horse and buggy would meet him either at Tabor or at Loris, a nearby town, and that he was going to spend the night at Tabor and drive out to his home this morning.